

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

LOREN CHRISTOPHER TARABOCHIA,

Case No. 6:11-cv-0547-TC

Plaintiff,

ORDER

v.

CLATSOP COUNTY, OREGON, et al.,

Defendants.

Aiken, Chief Judge:

Plaintiff filed suit under 42 U.S.C. § 1983, alleging that defendants violated his constitutional rights by denying him a probable cause hearing within forty-eight hours of his arrest and detention and by violating the terms of a settlement agreement providing for access to outdoor recreation. Magistrate Judge Coffin issued his Findings and Recommendation in the above-captioned case on November 5, 2012. Magistrate Judge Coffin recommends that defendants' motion for summary judgment be granted and plaintiff's

claims dismissed. The matter is now before me. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

When either party objects to any portion of a magistrate judge's Findings and Recommendation, the district court must make a de novo determination of that portion of the magistrate judge's report. See 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Plaintiff timely filed objections to the Findings and Recommendation. Upon de novo review, I find no error in Magistrate Judge Coffin's recommendation. Based on the undisputed facts presented by the parties, plaintiff fails to establish that his Fourth Amendment rights were violated when he was arraigned within twenty-four hours of his arrest (while represented by counsel), and he did not object to any delay with respect to a probable cause hearing. Further, plaintiff was arraigned on an indictment nine days later, during which time he had engaged in plea negotiations, and the state court found that plaintiff raised no objections to such a delay and was not prejudiced by it in any event. Under these circumstances, I find no Fourth Amendment violation. Finally, plaintiff fails to show that he was denied access to outdoor recreation pursuant to the terms of the relevant settlement agreement.

THEREFORE, IT IS HEREBY ORDERED that Magistrate Judge Coffin's Findings and Recommendation (doc. 47) filed November 5, 2012 is

ADOPTED, defendants' Motion for Summary Judgment (doc. 21) is GRANTED, and plaintiff's Cross Motion for Summary Judgment (doc. 34) is DENIED. Plaintiff's motions to strike (docs. 37, 38, 39) are DENIED. The Clerk is directed to enter judgment in accordance with this Order.

IT IS SO ORDERED.

Dated this 30th day of January, 2013.

A handwritten signature in cursive script, reading "Ann Aiken", is written over a horizontal line.

Ann Aiken
United States District Judge